

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY
LITIGATION (NO. VI)

Civil Action No. MDL 875

This Document Relates to:

Ronnie Wayne Upchurch and
Deidra F. Upchurch, wife,

District of South Carolina,

Plaintiffs,

vs.

COMPLAINT

Aqua-Chem, Inc.
(d/b/a Cleaver-Brooks Division);

Borg-Warner Morse TEC, Inc.;

CertainTeed Corporation;

A.W. Chesterton Company;

Fluor Daniel, Inc.;

Fluor Daniel Services Corporation;

General Refractories Company;

Georgia Pacific Corporation;

National Service Industries, Inc.;

Rapid-American Corporation

*(successor by merger to Glen Alden Corporation,
Briggs Manufacturing Company, Philip Carey
Corporation and Philip Carey Manufacturing
Company);*

Union Carbide Corporation;

Viacom, Inc.

*(successor by merger to CBS Corporation f/k/a
Westinghouse Electric Corporation),*

Defendants,

Plaintiffs hereby adopt and incorporate Plaintiffs' Master Long Form Complaint in Re: Asbestos Litigation in the United States District Court for the Eastern District of Pennsylvania, filed as Miscellaneous No. 86-0457. Pursuant to the August 20, 1986, Order of Honorable Charles R. Weiner, the following short-form Complaint is utilized in this asbestos action:

1. Ronnie Wayne Upchurch, The Injured Plaintiff ("plaintiff-worker") and Deidra F. Upchurch ("plaintiff-worker's spouse"). Plaintiff 's Address, Social Security Number, and Date of Birth information is available upon request.

2. The Court has jurisdiction of this matter pursuant to the Multidistrict Litigation Order dated July 29, 1991, Civil Action No. MDL 875. Moreover, the Plaintiffs are citizens of the State of South Carolina and no defendant is a citizen or has a principal place of business in the State of South Carolina. Further, the amount in controversy, exclusive of interest and costs, exceeds \$100,000.00.

3. The Defendants are those companies listed in the caption.

4. Plaintiffs hereby incorporate by reference the following counts from the Master Long-Form Complaint: Counts I, II, III, IV and V.

5. Plaintiff-worker's asbestos employment history, including, to the extent possible at this time, the asbestos products to which deceased plaintiff-worker was exposed is attached hereto as Schedule I.

6. Plaintiff-worker was diagnosed with asbestosis by David A. Schwartz, M.D. on April 15, 2005.

7. Plaintiffs certify that they have not been a party to any related third-party asbestos litigation.

8. Plaintiffs hereby demand a trial by jury on all issues of fact.

Respectfully submitted,

WALLACE AND GRAHAM, P.A.

By: s/Mona Lisa Wallace
S.C. Bar No.: 07216
Attorney for Plaintiff
WALLACE & GRAHAM, P.A.
525 North Main Street
Salisbury, North Carolina 28144
Tel. No. (704) 633-5244
Fax: (704) 633-9434
E-Mail: mwallace@wallacegraham.com

Date: 3/19/08

SCHEDULE I
Plaintiff-Worker Employment History
Asbestos Exposure Worksite Information

OCCUPATION:

Electrician; Nuclear Maintenance
Lineman
Various odd jobs
Loom Fixer
Various odd jobs
Loom Machine Maintenance
Grounds Maintenance

EMPLOYER/WORKSITE:

APPROXIMATE DATES:

Duke Energy – all sites	1978 – Present
Queen City Electric – Myrtle Beach, SC	1975
Y.C. Ballenger Co – Spartanburg, SC	1974 – 1977
Richards & Associates – various sites	1972
Drove Trash Truck, etc. – Blacksburg, SC	1969 – 1971
Burlington Mills – Blacksburg, SC	1970
Wendell Plastics – Blacksburg, SC	1968
Basic Electric Co – Ragland, SC	1967

RELATED ASBESTOS LITIGATION:

Workers Compensation Claim – Duke Energy – Pending

SMOKING HISTORY:

Non-smoker

PRODUCTS CONTAINING ASBESTOS:

Raw Asbestos Fiber, Pipe Covering, Block, Cements, Gaskets, Refractory Materials, Boilers, Joint Compounds, Wall Board, and other asbestos containing materials.

DEPENDENTS:

Deidra F. Upchurch, wife

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DEFENDANTS LIST

Aqua-Chem, Inc., d/b/a Cleaver-Brooks Division
7800 North 113th Street
Milwaukee, WI 53224-3136

Borg-Warner Morse TEC, Inc.
3850 Hamlin Road
Auburn Hills, MI 48326

CertainTeed Corporation
CT Corporation System
225 Hillsborough Street
Raleigh, NC 27603

A.W. Chesterton Company
PO Box 4004
Woburn, WA 01888-4004

Fluor Daniel, Inc.
Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

Fluor Daniel Services Corporation
Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

General Refractories Company
225 City Avenue, Suite 114
Bala Cynwyd, PA 19004

Georgia Pacific Corporation
CT Corporation System
75 Beattie Place
Greenville, SC 29601

National Service Industries, Inc.
Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

Rapid-American Corporation
Corporation Service Company
2711 Centerville Road, Ste. 400
Wilmington, DE 19808-1645

Union Carbide Corporation.
CT Corporation System
225 Hillsborough Street
Raleigh, NC 27603

Viacom, Inc.
Corporation Service Company
2711 Centerville Road, Ste. 400
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